

IN THE UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,	)	
	)	Case No. CR08-244RSL
Plaintiff,	)	
	)	Seattle, Washington
v.	)	
	)	February 13, 2009
LUCRETIA JAMES,	)	
	)	SENTENCING
Defendant.	)	
	)	
	)	

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TRANSCRIPT OF PROCEEDINGS  
BEFORE THE HONORABLE ROBERT S. LASNIK  
UNITED STATES DISTRICT JUDGE

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1 THE CLERK: Case CR08-244L, United States versus  
2 Lucretia James. Counsel, would you please make your appearances.

3 MS. ROE: Good morning, Your Honor. Susan Roe on behalf  
4 of the United States.

5 THE COURT: Hi, Ms. Roe.

6 MR. ZULAUF: And Jon Zulauf here for Lucretia James.

7 THE COURT: Hello, Ms. James and Mr. Zulauf. And we  
8 also have Patrick Robertson from U.S. Probation. I have a number  
9 of documents that I've reviewed in preparation for the sentencing  
10 here today on Ms. James' plea of guilty to conspiracy to possess  
11 with the intent to distribute controlled substances.

12 This is a Class A felony with a maximum punishment of life  
13 imprisonment, a \$4,000,000 fine, and five years of supervised  
14 release.

15 It carries with it generally a mandatory minimum term of not  
16 less than 10 years. I've reviewed in preparation for the  
17 sentencing Mr. Robertson's U.S. presentence report. I have the  
18 government's sentencing memorandum. I have Mr. Zulauf's initial  
19 presentence report with many documents and letters of support on  
20 behalf of Ms. James.

21 I have defendant's supplemental presentence report, and then  
22 a second supplemental, which was another letter of support. So,  
23 Mr. Zulauf, do I have everything you wanted me to have in  
24 preparation for the sentencing?

25 MR. ZULAUF: Yes, Your Honor.

1 THE COURT: And have you had an opportunity to go over  
2 the probation presentence report with Ms. James and make any  
3 additions or corrections?

4 MR. ZULAUF: I have.

5 THE COURT: Ms. James, are you ready to proceed to  
6 sentencing today?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: All right. Ms. Roe. And I also had some  
9 motions to seal the sentencing memorandums, which I'm signing  
10 also.

11 MR. ZULAUF: Thank you.

12 MS. ROE: Thank you, Your Honor. Your Honor, as the  
13 government has noted in its sealed sentencing memorandum, we are  
14 moving for a 5K based on the defendant's cooperation.

15 And we set forth in there some of the reasons or the things  
16 that she has done, as well as what she's expected to do in the  
17 future.

18 We also noted in there an unusual visitor she had when she  
19 was first arrested and thought that that should be brought to the  
20 Court's attention, because it was an unusual event. And Ms.  
21 James' reaction was rather courageous in light of that.

22 We don't want to underestimate her cooperation, probably  
23 based on her real desire to be back with her family. But I would  
24 like to address some of the statements made by defense counsel,  
25 letters, as well as the evaluation.

1       The evaluation was really compelling in its sadness, and the  
2 government -- Your Honor, I've reviewed hundreds of evaluations  
3 over 20-some years, and this was one of the saddest I have seen.

4       And it was -- it moved -- I mean, it was moving in its sort  
5 of broad breadth of how difficult her life has been. Juxtaposed  
6 with the letters from people, it was stunning how they seem to be  
7 in a fantasy about this woman.

8       The letters were rife with things like, you know, this was  
9 just a momentary lapse in judgment. She'd had a good life.  
10 She's bettered herself. And there seemed to be very little  
11 connection between the facts of her real life and how they viewed  
12 her and what they expected her to do.

13       It seems overwhelming what she and her family is asking her  
14 to do, which is to really be released now and resume her life and  
15 raise her children and have everything fine.

16       And the fantasy was what kept coming through my mind as I  
17 read this sort of road or this picture that they had drawn for  
18 her.

19       Their letters and recommendations were also quite at odds  
20 with the facts of this case, in that Ms. James was really very  
21 involved in this drug smuggling and high-level drug activity.

22       She had taken a previous trip to California to know the  
23 routes and where to go. And 72 kilos of cocaine entrusted to one  
24 person driving up I-5 is a massive amount of drugs.

25       That, of course, was after she had dropped off 200,000 pills

1 of MDMA, which is -- you know, she was dealing with millions of  
2 dollars worth of drugs.

3 Ms. James was motivated by a need for money for her children.  
4 I see no reason to think that that motivation won't continue in  
5 the future. There doesn't seem to be a plan for her to be able  
6 to make money or to be able to take care of things in her life.

7 Mr. Coates, who was a co-defendant and who was not involved  
8 in the cocaine, but was involved in the MDMA, was given a -- was  
9 sentenced by this Court some time ago and received a fairly hefty  
10 sentence. Although he received some reductions for his role.

11 The government really thought and kind of the consensus was  
12 that Ms. James should spend at least five years in prison on  
13 this, because her guidelines really were so much higher and it  
14 was so significant.

15 In light of the real tragedy of her life and her  
16 intelligence, and maybe some ability to recoup her life for her  
17 children, we were sort of moved to recommend 36 months. But,  
18 Your Honor, that is a huge departure.

19 We hope it is well founded with hope for her, but in many  
20 ways we think that that's a gift, the 36 months. So we're  
21 recommending 36 months, the five years of supervised release.

22 We have no objection, of course, to any drug or treatment  
23 program, mental health counseling, employment stuff. Whatever  
24 programs that she may avail herself of would be appropriate.

25 Thank you.

1 THE COURT: Thanks very much, Ms. Roe. All right. Mr.  
2 Zulauf.

3 MR. ZULAUF: Your Honor, one of the best parts about  
4 this job that I have is that we get to go and meet with a client,  
5 we get to meet with their family, and we see them in times of  
6 distress and difficulty. And you start to get a sense of who the  
7 people are and what they're like.

8 As you know, I've been at this for some 30 years, and I would  
9 have to say that in the 30 years I don't think I've ever been  
10 with a client who has gone through as much agony and as much pain  
11 over what she -- the crime she committed as Ms. James.

12 I have been with her probably a dozen times in jail when a  
13 good portion of our meeting is her crying and agonizing over the  
14 fact she has committed this crime. She's jeopardized her family.  
15 She's jeopardized her relationship with her children.

16 It's quite moving. It's also emotional and difficult. But  
17 one of the things you do get a sense of is how much punishment  
18 has already been inflicted. And I would suggest to the Court  
19 that Ms. James has already been punished in a huge way.

20 Just the self-imposed punishment and the fact that this has  
21 been a very, very difficult year for her being separated from her  
22 children, knowing that she's the one who caused this, it was the  
23 stupidity of her own actions that jeopardized her relationship  
24 with her children, and yet she has to go on.

25 The good news is that she does have support from friends and

1 family and community that think the world of her. Her mother and  
2 stepfather and sister are here in Court today to be here with  
3 her.

4 As you know from the evaluation, from the letters, the family  
5 has done all they could to step in and help care for the children  
6 and help provide support for Lucretia while she has been in jail.  
7 But it has been quite a difficult year for her.

8 We have indeed recommended 12 months, I would add probably  
9 that we should recommend 12 months and a day, if the Court were  
10 inclined to do that, with three years of supervised release and  
11 six months in a halfway house.

12 I understand Susan Roe's argument here that, you know, it's  
13 some sort of fantasy that she will be released and then  
14 everything will be fine and she will go on.

15 I don't think there's a single person here that is suggesting  
16 that to the Court. We all know it will be difficult. But it's  
17 going to be difficult if she's released soon and it's going to be  
18 difficult if she's released later.

19 What she has to do now is bring together that family support,  
20 bring together her desire to stay off of drugs and away from  
21 drugs and away from that drug culture, bring together the family  
22 support for her children and for her in getting vocational  
23 training and mental health counseling.

24 And none of that is an easy road. We all recognize that.  
25 The good news is that we do have a mechanism in place so that

1     there will be potentially a halfway house, if the Court orders  
2     that we pay, they will be helping her with mental health  
3     counseling, with drug and alcohol counseling, with vocational  
4     counseling, and on top of that we know that we have three years  
5     of supervision from probation.

6             So it's not like we're turning her loose and hoping that this  
7     will all magically happen. She knows she's got a tough  
8     assignment ahead of her to prove to the Court that she can both  
9     be a model citizen and a model parent, and yet she knows she's  
10    got to get vocational training, she's got to get a job. She  
11    needs the support and help of her family.

12            And so a lot has to come together, but, Your Honor, my sense  
13    is that a huge part of rehabilitation is the desire to do it.  
14    And in Lucretia James' case, I can indicate to the Court my  
15    belief that there's nobody who has a stronger desire to go  
16    through rehabilitation, deal with the issues she's had, deal with  
17    the drug and alcohol issues, the mental health issues that she's  
18    had.

19            And if there's somebody who has a chance of pulling this off,  
20    I think Lucretia James does. She comes into this -- of course,  
21    we all know that, you know, part of what caused her to get into  
22    this mess was a background that was outlined by Doctor Hastings.

23            And Doctor Hastings said on page 11 of her report that, in  
24    summary, Ms. James' judgment and mental health was compromised at  
25    the time of the commission of these crimes by the innerconnected



1     debilitating stresses of psychological problems, alcohol  
2     addiction, poverty and underemployment. Such problems do not  
3     excuse any criminal actions, but certainly provide the context  
4     within which such actions are likely to occur.

5             She goes on to say, though, that the good news about Ms.  
6     James is that she does not have an antisocial personality  
7     disorder. She is a person that Doctor Hastings evaluated, she  
8     tested, and she reaches the conclusion that based on the data  
9     available Ms. James does not pose a risk to the community.

10            She has no prior criminal history, nor history of assaultive  
11     behavior. Ms. James' long-term prognosis is good if she remains  
12     clean and sober.

13            I think we're all in agreement that one of the things we're  
14     going to need to do if Ms. James is released from custody in the  
15     short term or the long term is make sure she remains clean and  
16     sober, and we need to make sure that there are programs in place  
17     to help her do that. And we need to make sure that there is  
18     adequate supervision.

19            And it seems to me that with three years of supervised  
20     release, together with drug and alcohol treatment at perhaps  
21     Pioneer House, we put in place that mechanism.

22            Again, I've said it before, but I think probably the most  
23     important part of rehabilitation is the desire to do it, and I  
24     think there's nobody who has a stronger desire to show that she  
25     can go through rehabilitation than Lucretia James.

1           You know, frankly, an awfully lot of this is just her  
2 realization -- she's never -- this is her first offense. She's  
3 never been in Court before. She's never been in jail before.  
4 And the realization of the trouble she could get into and the  
5 jeopardy she puts her children into has really hit home.

6           She didn't have that experience before. This is not somebody  
7 with a long criminal history. This is a person who comes to the  
8 Court and is placed in jail for the first time, and she has a  
9 desire to prove to the Court that she can be a model parent, that  
10 she can go through rehabilitation, that she can be a model  
11 probationer. If given the chance, it seems to me that she has an  
12 excellent chance of being able to prove that to the Court.

13           We have asked the Court to consider in part the proposal  
14 we've made because we think it actually is the best way for  
15 Lucretia to both get the help that she needs here in Washington  
16 and also remain in contact with her children here in Washington.

17           And if she's going to have followup treatment, mental health  
18 treatment, vocational, health, it makes sense, in our minds, to  
19 do that in Washington.

20           A way to do that is to give her a year in jail, with credit  
21 for time served, order her to be on supervised release, and then  
22 order as a condition of that supervised release that she spend  
23 six months in a halfway house like Pioneer.

24           Thank you.

25           THE COURT: Thanks, Mr. Zulauf. Before I speak with Ms.

1 James, I just want to ask Mr. Robertson some questions on the  
2 probation side. Three questions, Mr. Robertson. Why three years  
3 of supervised release versus four or five?

4 PROBATION OFFICER: Your Honor, I simply put the three  
5 years in because I think that Ms. James is going to be the type  
6 of person, and I'm just speaking from experience, that I think  
7 three years is sufficient, and if we need to come back, we can  
8 ask for an extension.

9 THE COURT: All right. Tell me about the staffing  
10 within your organization about what to recommend in terms of the  
11 length of prison term.

12 PROBATION OFFICER: It was unanimous that a 36-month  
13 sentence was appropriate. We felt like her cooperation was  
14 worthy of a reduction in time below the guideline range.

15 And then, of course, she'll be given the roughly seven months  
16 that she's already served, which would put her at the 30-month  
17 range, which, as Your Honor might know, is about the time the BOP  
18 requests for placement into RDAP.

19 THE COURT: And then the six months in a halfway house  
20 that Mr. Zulauf is talking about, would that be a condition of  
21 supervised release, and is that something that can be a condition  
22 of supervised release, or are people coming out of prison  
23 automatically being put through some sort of halfway house  
24 reentry program?

25 PROBATION OFFICER: That's something that BOP would

1 handle on their end. This does not need to be ordered as a  
2 condition of her supervised release.

3 If she's -- if they find her amenable to release to a halfway  
4 house, they will place her there. And the probation officer,  
5 when she's released, can handle that part of it.

6 THE COURT: So is there not a mechanism for making a  
7 specific sentence to a halfway house, as Mr. Zulauf is  
8 recommending?

9 PROBATION OFFICER: No, there's not.

10 THE COURT: Okay. That's what I was worried about, Mr.  
11 Zulauf. Do you have any input on that?

12 MR. ZULAUF: Well, Your Honor, I'd like to address that,  
13 if I could.

14 THE COURT: Sure.

15 MR. ZULAUF: I spoke with Pioneer House yesterday, who  
16 -- they said that if a halfway house designation was made as a  
17 condition of supervised release, they would take Lucretia in.

18 And so it seems to me that the Court can do that, the Court  
19 could say one of the conditions of supervised release is that she  
20 go into a halfway house.

21 THE COURT: Right. But it wouldn't be a reduction of  
22 her prison term, it would be after she completes her prison term  
23 she would do the six months, which is what you're recommending?

24 MR. ZULAUF: Right.

25 THE COURT: All right. Ms. James, is there anything you

1 want to say to me before I impose the sentence today?

2 THE DEFENDANT: Sure.

3 THE COURT: Okay. Could you please go to the podium  
4 with Mr. Zulauf? Thanks.

5 THE DEFENDANT: I didn't know if I could remember it.

6 THE COURT: No, that's fine. You can read it if you  
7 want to. Take your time. If you want a little cup of water up  
8 there, that's okay, too.

9 THE DEFENDANT: Your Honor, I've been agonizing day  
10 after day over my -- over my poor judgment. I have continually  
11 been distressed over the hurt that I've caused my children and my  
12 family.

13 Every day I'm faced with the fact that I have lost this --  
14 this time with my children and those closest to me. All I really  
15 wanted to do is to be a good parent and to be able to spend my  
16 time with my children. And this is a struggle for me not to be  
17 with them.

18 I am sorry for the shame that I've caused, that I brought  
19 onto my family. I did not see the full scope of ramifications  
20 that I was being asked to do. But I assure you that this will  
21 never happen again.

22 I cannot get back the time that I've lost. And there's  
23 nothing that will get me to do anything to jeopardize my time  
24 with my family and my future.

25 I truly regret my bad decision. And if you allow me a chance

1 to get my life back on track, with the support of my children and  
2 my family and my friends and hopefully the system, I'll be --  
3 I'll be a productive part of society again. Please give me the  
4 chance to be Lucretia James again.

5 Thank you.

6 THE COURT: Thank you, Ms. James. I have to ask you,  
7 though, because I don't understand how you could think that  
8 moving millions of dollars of illegal drugs up and down the West  
9 Coast was going to be good for your children in any way, or good  
10 for other peoples' children, who were being ignored or neglected  
11 because their parents were strung out on ecstasy or cocaine.

12 How did you rationalize that in your own mind?

13 THE DEFENDANT: I honestly wasn't thinking about that.  
14 The only thing that I was -- somebody sought me out and asked --  
15 knew my situation. I wasn't getting anywhere in the Court system  
16 with being able to get my children's father to help me.

17 And I was too proud to go on welfare, and I just figured --  
18 they went and they said, well, it will be -- it will be easy.  
19 We'll make sure that your house payments are paid. It was a  
20 really small amount compared to what I later found out that those  
21 drugs are worth.

22 And the only thing I wanted to do was make sure that my house  
23 wasn't going to get repossessed and I was going to be able to pay  
24 my bills so I could be with my children.

25 And I didn't -- I didn't see what else it was. I didn't ask

1       them. And that was my -- that was my fault. I should have -- I  
2       should have thought about that.

3               THE COURT: Growing up as a member of your tribe you saw  
4       the devastation that drug abuse was having on so many people.  
5       Didn't you make a correlation between what you were doing and the  
6       terrible destruction to your own people from things like these  
7       drugs?

8               THE DEFENDANT: To be honest with you, Your Honor, I  
9       was -- I was raised right on the outskirts of the reservation.  
10      Most of the people that went to my school were predominantly  
11      white. There was a few Native Americans.

12             And the worst part that I'd seen was the fact that their  
13      parents drank a lot of alcohol. And that was what I'd seen out  
14      of it.

15             Most of the people that I hung out with were predominantly  
16      white. And so I didn't -- my association with people on the  
17      reservation was when I would see them I would just say hi, but I  
18      didn't live right in the middle of -- in the middle of all of  
19      that.

20             THE COURT: Okay. I appreciate that. And I think when  
21      Ms. Roe was talking about the fantasy of some of the people who  
22      are writing in, I think -- maybe I'm wrong, but I think she might  
23      have been talking about two sets of fantasies.

24             One is it was a bad decision, like that's all it was, was a  
25      bad decision, rather than agreeing to participate in a

1 multi-state, if not multi-national, drug cartel that was moving  
2 millions of dollars of drugs up and down the highway. That's  
3 more than just a bad decision.

4 But the other thing that I saw in the letters that's a  
5 fantasy to me is there was no acknowledgment of the things that  
6 the individuals who are writing the letters, some of whom are  
7 here today, the role that they played in this.

8 I mean, your mother basically abandoned you to do her own  
9 thing, which was admirable what she was doing, but that took a  
10 terrible toll on you.

11 Subjecting you to years of sexual abuse from a family member  
12 and then not supporting you when you came forward is a terrible  
13 thing to do to you. And I'm getting this she's an ideal person.  
14 She made a single bad decision. And all you have to do is put  
15 her back with her children and everything will be right again.

16 I mean, Ms. James, you are a woman who under the right set of  
17 circumstances could have been a CEO of a major company, or a  
18 professor at a major university. I mean, your intelligence and  
19 your dignity is a personal natural resource that your community  
20 and your tribe and your family needs. I mean, we need people  
21 like you to be productive members of society.

22 But partially because of the way you were neglected and  
23 abused as a child and partially because of your own demons in  
24 terms of being attracted to exactly the wrong kind of man has  
25 left you in this situation.



1 And to restructure you to what you should be and could be is  
2 going to take an awful lot of work on your part and the part of  
3 the people around you.

4 I mean, I've never thought of a condition of supervised  
5 release that says you shall not get involved with another man  
6 without bringing him in here for me to look at and talk to, but I  
7 feel like that with you, because you've got a series of loser  
8 guys who shouldn't even be allowed to be in your presence, let  
9 alone have any influence over you and tell you you're a slut, or  
10 you're stupid, or you're a whore, or you're worthless.

11 I mean, you should flee those guys, rather than feel like  
12 they have some control over you. Now, I know you've got a father  
13 of your children. And, look, you've put your children in a  
14 situation where he's the custodial parent.

15 I mean, could you do anything more destructive to your own  
16 children than set up a situation where he's in charge? It's a  
17 terrible situation for you.

18 So we cannot -- and I know Mr. Zulauf is not minimizing  
19 what's going to happen afterwards, but I need to tell you that  
20 you cannot minimize what you did, which normally would call for a  
21 mandatory 10-year prison term.

22 You cannot minimize the fact that it wasn't a bad decision.  
23 It was a criminal and evil thing to do. And to get yourself back  
24 away from what you had become that allowed you to make this evil  
25 and criminal decision is going to take an incredible amount of

1 work on your part.

2 Do you see that?

3 THE DEFENDANT: Yes, Your Honor.

4 THE COURT: Getting back together with your two children  
5 in the state you're in now is not going to help yourself and not  
6 going to help them, because there are too many things that are  
7 still going to be there when you wake up the next day.

8 How am I going to handle this? How am I going to feed them?  
9 How am I going to deal with Robert? How am I going to get child  
10 support? How am I going to get rid of any drug and alcohol  
11 problem I have?

12 So regardless of what sentence you get here and regardless of  
13 how much you regret what you did, what lies ahead of you is going  
14 to be the hardest thing you've ever done in your life. And no  
15 one can do it but you.

16 Now, you'll get some help and assistance. But it's going to  
17 be the hardest work you've ever done. Are you ready to do that?

18 THE DEFENDANT: Yes, Your Honor, I am.

19 THE COURT: All right. Thank you, Ms. James. You may  
20 be seated. Thanks, Mr. Zulauf.

21 MS. ROE: Your Honor, if I -- I'm a little concerned  
22 about the recommendation for three years of supervised release  
23 with the probation officer's comment that if we need more we can  
24 ask for more.

25 THE COURT: I'm going to impose five years of supervised

1 release. That's why I asked. I just wanted to make sure I  
2 could. Because I do think that there's an incredible amount of  
3 work that needs to be done.

4 It's much easier to terminate supervised release early if  
5 everything is going great than it is to try to add it on later  
6 on, which could only be done to a certain extent with a violation  
7 and the like. And I hope to not have any violations as we go  
8 forward.

9 All right. I have known both Ms. Roe and Mr. Zulauf for a  
10 very, very long time, both as colleagues, as opposing counsel, as  
11 a Judge hearing them argue cases before me, and I have a great  
12 deal of respect for both of them.

13 And I think that they both know that I've seen hundreds,  
14 thousands of cases. And the sentencing process is difficult,  
15 because we always have a tendency to want to reward people who  
16 are intelligent, articulate and remind us of ourselves.

17 And we tend to have a lot less sympathy for people who are  
18 not very good at speaking or writing and come from backgrounds  
19 where they're violent and destructive.

20 So I look at Ms. James and, as I say, I see this potential  
21 for tremendous good in her. But I also have to temper it and  
22 say, Judge Lasnik, you've got to remember there's been a lot of  
23 people sitting where she is who were African American men or  
24 Hispanic immigrants who maybe couldn't speak as well as she does  
25 or write as well as she does, who are so far away from their

1 families that their families couldn't support them, or come from  
2 such damaged families that their families had abandoned them  
3 years ago.

4 And so when you're sending those people to prison for 10  
5 years, 15 years, 20 years, you have to make sure you're being  
6 fair to them and not just giving a pass to someone like Ms.  
7 James, who you think really does get it, that she has true  
8 remorse and regret, and that the shame of what she has done to  
9 dishonor herself and her family is kind of punishment enough.

10 So I fight with myself in that area to make sure I'm being  
11 true to fairness in sentencing and true equity in sentencing. So  
12 I start out very skeptical of any kind of reduction from what  
13 would normally be here a long prison term.

14 Now, this is scored correctly as an offense level 27,  
15 criminal history category of 1, and a range of 70 to 87 months.  
16 I would grant the government's motion for a 5K departure, because  
17 I do believe that there were difficult circumstances here. And  
18 Ms. James has stepped up and taken responsibility, even despite  
19 some unusual circumstances. And much will be expected of her  
20 going forward also.

21 So normally that would yield a sentence for me of  
22 approximately half of the bottom of the range, which is 35  
23 months, which is approximately what the government and probation  
24 have recommended.

25 But I do take into consideration the really excellent report

1 by Doctor Hastings that establishes clearly that what -- while it  
2 doesn't excuse what Ms. James did, it explains to a certain  
3 extent how she could act with a certain cognitive dissidence here  
4 and do something that was so evil and criminal, but not fully  
5 realize what it was.

6 It's a form of a diminished capacity, if you will, that  
7 Doctor Hastings talks about here, because of the chronic  
8 post-traumatic stress disorder, the lack of self-esteem and  
9 self-image and the abuse that she suffered which she  
10 internalized. So I do think that justifies to a certain extent a  
11 lesser sentence in this area.

12 What is the right sentence? What could and should the Court  
13 do in an attempt to try to consider what's in the best interests  
14 of the children out there? I really have to set that aside to a  
15 certain extent. I'm not here as a dependency Judge or family  
16 Court Judge to decide what should happen with the children.

17 I have to come up with a sentence that takes into  
18 consideration the statutory factors of 3553, the mitigating  
19 circumstances that I've identified here, and the seriousness, the  
20 real harsh reality that this is a Class A felony offense, one of  
21 the most serious offenses that a person can commit.

22 In balancing all of those things together, I am going to  
23 reduce the sentence I impose to 18 months imprisonment, basically  
24 cutting another half off of what the government and the probation  
25 have asked for here today.

1 I will, of course, give credit for time served and I will, if  
2 it's your desire, Mr. Zulauf, I will recommend that she remain in  
3 the Seatac detention facility for the remaining period of time,  
4 which, if she is released through some sort of halfway house,  
5 will be less than a year going forward.

6 You can let me know after I finish on that regard. I will  
7 impose five years of supervised release. And, Ms. James, you'll  
8 be subject to standard conditions, as well as the following  
9 special conditions:

10 You will cooperate in the collection of DNA. You must not  
11 possess any firearm or destructive device. You will submit to  
12 one drug or alcohol test within 15 days of your placement on  
13 supervised release, and at least two periodic tests thereafter,  
14 not to exceed eight valid tests per month.

15 You will participate as instructed by U.S. probation in a  
16 program approved for the treatment of narcotic addiction, drug  
17 dependency or substance abuse, which will include testing. And  
18 you must abstain from the use of all alcohol or other intoxicants  
19 during supervision.

20 You shall also participate in any counseling or mental health  
21 program approved by the United States probation office. And you  
22 must contribute to the cost of both treatment programs to the  
23 extent that you are financially able to do so.

24 You will submit to a search of your person, residence,  
25 office, property, storage unit or vehicle conducted in a

1 reasonable time and manner by probation or law enforcement.

2 I will waive the fine. There is a \$100 special assessment,  
3 which is due immediately. I would also in addition recommend the  
4 six months. It wasn't part of -- quite what Mr. Zulauf  
5 recommended, but I do think that that up to -- I'm going to say  
6 up to six months in a halfway house, such as the Pioneer  
7 facility, for reentry and also treatment, if U.S. Probation deems  
8 it appropriate, should be a condition of supervised release.

9 I understand you were using it as kind of a quid pro quo for  
10 prison time, and as a condition of release, you may not want it  
11 to be as long as six months. And I would think that it would be  
12 more likely to be 90 days, but if the probation department  
13 considers that less time is needed, they have the authority to do  
14 less time.

15 If they consider the full time is needed, they have the up to  
16 six months, in the discretion of the U.S. supervising probation  
17 officer.

18 And did you want to talk to Ms. James about where she does  
19 the time?

20 MR. ZULAUF: Could I for a moment?

21 THE COURT: Sure.

22 MS. ROE: Your Honor, I'm sorry, is that a  
23 recommendation or is that an order, the up to six months?

24 THE COURT: It's part of the order, up to six months.

25 MS. ROE: Okay.

1 THE COURT: Within the condition of supervised release.

2 MS. ROE: Okay.

3 MR. ZULAUF: Your Honor, her preference is to stay at  
4 Seatac.

5 THE COURT: It's just a recommendation on my part. The  
6 Bureau of Prisons will decide that based on other factors. But  
7 it has happened, particularly for some women inmates, since the  
8 nearest women's facility is so far away.

9 MS. ROE: Okay. I've prepared a judgment which I have  
10 handed to defense counsel for review.

11 (Brief pause.)

12 MR. ZULAUF: Your Honor, I have just one question, and  
13 this -- I don't know if there's a technical reason that we cannot  
14 give her credit for all of the time she has served on this, but  
15 Susan Roe has noted that she would get credit for time served  
16 since July 30th, 2008, where she was -- she was actually arrested  
17 and has been sitting in an institution since March 10th, 2008.

18 MS. ROE: She was in state custody, Your Honor, in  
19 California. There were multiple charges. She didn't come into  
20 federal custody until July. And I think it's federal time that  
21 counts. And that's reflected in the probation department's --

22 THE COURT: It is correctly calculated from when she  
23 came into federal custody, but what I would do under those  
24 circumstances -- sometimes in immigration cases, is we take the  
25 number and then deduct from it. But I already kind of factored



1 that in, so I'm not going to give any extra time off. So she  
2 just gets it from July 30, which is about 199 days.

3 MR. ZULAUF: I don't know if I can make a better  
4 argument to you, but my -- my sense in this case is that she was  
5 arrested in part because of the federal investigation. And  
6 although she was held technically in state custody, this was due  
7 in at least large part because of the federal investigation. And  
8 they knew all along that there were going to be federal charges  
9 here.

10 THE COURT: If I followed the government's  
11 recommendation and I did the 36 months, I'd find a way to give  
12 you the credit. But I've already chopped it down so far I just  
13 can't do it anymore.

14 MR. ZULAUF: I appreciate the thought, though.

15 THE COURT: Okay.

16 MR. ZULAUF: I think the judgment reflects the Court's  
17 order.

18 THE COURT: Okay. You can approach. Thanks, Mr.  
19 Zulauf. You can bring it up to Kerry. Thank you. Ms. Roe, was  
20 there a waiver of appeal? I didn't check the plea agreement.

21 MS. ROE: Your Honor, I certainly hope so. Let me just  
22 check that. Yes, paragraph 11 of the plea agreement.

23 THE COURT: I thought so. All right. I've signed the  
24 judgment in the case. Ms. James, the five years of supervised  
25 release -- I know you've not really been a part of the criminal

1 justice system and that's great.

2 Let me tell you how it's going to work. You will do your  
3 prison time, hopefully still at Seatac. You will come out of the  
4 Bureau of Prisons into some sort of reentry facility.

5 And Mr. Robertson can talk to you about this after the  
6 sentencing, too. But then you have a supervising probation  
7 officer who will spend a lot of time with you about programs,  
8 about helping you get employment, about helping you in your  
9 family situation, too.

10 And there will be lots of drug testing, lots of checks on  
11 you. If anything goes wrong, your probation officer will  
12 determine do you need to come back in front of Judge Lasnik. I  
13 mean, I'm your Judge for the next period of time. Anything that  
14 happens, you'll come back in front of me. I'll know what we  
15 talked about here today. I'll know what you promised me.

16 But I also know that we're asking a lot of you. And when you  
17 come out you're going to be under tremendous stress. You have to  
18 fight for your children again. You have to worry about paying  
19 the mortgage and you may be coming out when this country is still  
20 in a terrible economic depression and it's going to be a  
21 difficult time for you.

22 Use your probation officer not as a cop who is watching over  
23 you, but as a person who really wants you to succeed and will  
24 help you in lots of ways.

25 And if things are going badly for you and you are feeling a

1 temptation to do something you shouldn't do, if you contact your  
2 probation officer, they can intervene and we can stop it before  
3 it gets out of hand.

4 If the first time your probation officer finds out there's a  
5 problem because you've been arrested on a new charge, there's  
6 very little we can do for you in that regard.

7 So you've overcome a lot in your life. You have not been  
8 dealt with fairly by life in a lot of ways. But you have going  
9 for you what a lot of people don't have, tremendous intelligence,  
10 you have a lot of dignity and class.

11 You have to believe in yourself and trust in yourself. I  
12 hope your time with Mr. Zulauf is something you look back on and  
13 say it was so nice to meet a person like him with intelligence  
14 and kindness. And he seems to really like me. You know, he  
15 enjoyed his time with me.

16 Doesn't that tell you something about -- now, he's already  
17 taken with a very beautiful wife Octavia. But there are men out  
18 there who will treat you like you should be treated, who will  
19 respect you and honor you for what you are.

20 Don't settle for the losers you see around you who will just  
21 do nothing but degrade you and debase you. I can't say it  
22 strongly enough, I have seen too many strong and talented women  
23 allow themselves to be dominated by loser guys because of other  
24 things that happened in their life. You have got to be strong  
25 for yourself, strong for your children, and strong for this

1 community, okay?

2 All right. Good luck.

3 MR. ZULAUF: Your Honor, could I have perhaps about five  
4 minutes with Lucretia and her family and perhaps consult with the  
5 probation officer about this issue at Seatac?

6 One of the things that I'm concerned about is we now do have  
7 a lengthy period of time at Seatac, which I think is actually  
8 quite a hard place to spend time.

9 THE COURT: Well, you can't bring the family up. You  
10 can -- I'll stay out here on the bench, and we'll just go off the  
11 record for a little while, and you can --

12 MR. ZULAUF: If I could just have a couple of minutes.

13 THE COURT: Take as much time as you need.

14 (Brief pause.)

15 MR. ZULAUF: Your Honor, after consulting and talking, I  
16 think we're back to where we began, I think we would like a  
17 recommendation in the judgment for Seatac.

18 THE COURT: Okay. That's in there right now. Okay.  
19 Great. Thanks, Mr. Zulauf, Ms. Roe, Mr. Robertson. Good luck to  
20 you, Ms. James. I really, really sincerely mean it for you and  
21 for everyone out there, okay? All right. Thanks.

22 MS. ROE: Thank you, Your Honor.

23 (Recess.)

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CERTIFICATE

I, Joseph F. Roth, Official Court Reporter, do hereby  
certify that the foregoing transcript is correct.

S/Joseph F. Roth

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Joseph F. Roth